



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

August 1, 2024

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Skye Xu, 23 Cr. 133 (JMF)*

Dear Judge Furman:

The Government respectfully submits this letter on behalf of the parties to inform the Court that the parties have jointly agreed to the following pretrial disclosure and motions deadlines in advance of the October 28, 2024 trial date, which they respectfully request that the Court adopt:

1. Six weeks before trial – September 16:

- The parties provide, consistent with the requirements of Federal Rule of Criminal Procedure 16, notice of experts potentially to be called, if any, during the Government's case-in-chief or the defendant's case.
- The Government provides notice to the defendant of evidence it may seek to offer pursuant to Federal Rule of Evidence 404(b).
- The parties submit requests to charge, proposed *voir dire*, proposed verdict forms, and any motions *in limine*.

2. Four weeks before trial – September 30:

- The parties submit any oppositions to motions *in limine*.

3. Three weeks before trial – October 7:

- The Government provides to the defendant a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial, including in response to the defense's list of proposed exhibits that it anticipates seeking to introduce into evidence during the Government's case-in-chief.

- The Government provides to the defendant a list of witnesses whom the Government reasonably expects to call in its case-in-chief.

4. Two weeks before trial – October 14:

- Defense counsel provides to the Government material covered by Federal Rule of Criminal Procedure 16 and a list of exhibits that the defendant reasonably expects to introduce during the Government's case-in-chief or the defendant's case, with the exception of impeachment material. This exhibit list will be subject to good-faith revision as the defense continues to prepare for its case and the defense has an ongoing obligation to produce Rule 16 material on a rolling basis.
- Government will provide all 3500 material to the extent that it has not been previously produced and continue to produce 3500 on a rolling basis.
- Defense counsel provides to the Government material covered by Federal Rule of Criminal Procedure 26.2.
- The parties provide notice to each other, consistent with the requirements of Rule 16, of rebuttal expert testimony, if any.

5. One week before trial – October 21:

- Defense provides the list of witnesses whom the defendant reasonably expects to call in their case. This witness list will be subject to good-faith revision as the defense continues to prepare for its case.

Respectfully submitted,

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United States Attorney

by: _____ /s/
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CC (via ECF): *Counsel of Record*